

HON. _____
District Judge - Dept. No. ____
Twenty-First Judicial District
Ravalli County Courthouse
205 Bedford - Suite _____
Hamilton, Montana 59840
(406) 375-6780
Fax (406) 375-6785

FORM #171

**MONTANA TWENTY-FIRST JUDICIAL DISTRICT COURT
RAVALLI COUNTY**

In re the Parenting of: _____ _____ _____ minor child(ren); _____, Co-Petitioner, and _____, Co-Petitioner.	Cause No.: _____ Department No.: _____ FINDINGS OF FACT, CONCLUSIONS OF LAW AND FINAL DECREE ESTABLISHING PERMANENT PARENTING PLAN
---	---

The Joint Petition for Establishment of Permanent Parenting Plan filed herein on the
____ day of _____, 20____, came for hearing this ____ day of
_____, 20____.

Co-Petitioner (Mother) ☐ appeared pro se ☐ did not appear but filed
a Consent to Entry of Decree.

Co-Petitioner (Father) ☐ appeared pro se ☐ did not appear but filed
a Consent to Entry of Decree.

After considering all evidence and pleadings, the Court finds:

FINDINGS OF FACT

1. The parties were never married, but were involved in a relationship from (dates) _____ until _____.
2. At least one of the Co-Petitioners have been domiciled within the state of Montana for at least ninety (90) days prior to the filing of this action.
3. Co-Petitioners are the parents of the following minor children:

Legal Name (first, middle, last)	M/F	Age

If needed, attach additional sheets as Exhibit _____.

4. Choose One:
 - ☐ The child(ren) has/have lived in Montana for at least six consecutive months immediately before the start of this proceeding. If a child is less than six months old, the child has lived in Montana since his/her birth.
 - ☐ Montana was the home state of the child(ren) within six months of the start of this proceeding, and one parent continues to reside in Montana.
 - ☐ The child(ren) and one parent have had significant connections to Montana, and substantial evidence about them is available here.
 - ☐ The child(ren) is/are physically present in Montana, and the child(ren) has/have been abandoned or an emergency exists requiring the child(ren)'s protection.
5. The Co-Petitioners have filed a Proposed Joint Parenting Plan that has been presented to this Court for examination and approval.

6. Choose One

A. ☐ The parties will share equally in providing for the financial support of the children and therefore no child support is required under the Child Support Guidelines.

B. ☐ ☐ Father shall pay to Mother ---- OR ----
☐ Mother shall pay to Father

the sum of \$_____ per month per child for the support of their children, which payment meets or exceeds the amount required according to the Child Support Guidelines, to be paid directly to:

☐ The Other Party
☐ The Clerk of District Court

and shall be due and payable on the _____ day of each month, commencing on _____, 20___. Child support shall continue for the children until they reach the age of 18, or graduate from high school (continuous enrollment presumed), whichever last occurs, or until the children are otherwise emancipated, but in no event beyond their 19th birthday.

C. ☐ Child support in the amount of \$_____ per month per child has been established by the Montana Child Support Enforcement Division or another appropriate administrative agency or court. A copy of the Order is attached hereto as Exhibit _____.

8. Choose One:

☐ A Medical Support Order has been established by the Montana Child Support Enforcement Division or another appropriate administrative agency or court. A copy of the Order is attached hereto as Exhibit _____.

or

☐ Medical support is needed to cover the medical and dental expenses of the minor child(ren) of the parties. The Co-Petitioners request that the Court adopt the following Medical Support Order:

Existing Coverage -- Choose All That Apply:

☐ The child(ren) are presently covered under the following insurance plan:

Carrier Name: _____

Policy No.: _____

☐ The child(ren) are recipient(s) of medical assistance under Title XIX of the federal Social Security Act (Medicaid).

☐ The child(ren) are not covered under an existing insurance plan.

9. Choose One:

☐ The Department of Public Health and Human Services is not providing services to the parties or minor child(ren) of the parties under the provisions of Title IV-D of the Social Security Act (Govt. financial assistance).

☐ The Department of Public Health and Human Services is providing services to the parties or minor child(ren) of the parties under the provisions of Title IV-D of the Social Security Act (Govt. financial assistance). The Montana Child Support Enforcement Division and the Office of the Attorney General were served with copies of the Petition in this action. Both offices acknowledged service, copies of which are filed with the Court.

10. Other Provisions: _____

11. All of the other allegations of the Co-Petitioners complaint not inconsistent herewith are true, and the relief requested should be granted.

FROM the above Findings of Fact, the Court makes the following:

CONCLUSIONS OF LAW

1. The Court has jurisdiction over this cause.

2. ☐ The Co-Petitioners' Proposed Joint Parenting Plan
☐ The Court's Parenting Plan

attached as Exhibit "A" is in the best interest(s) of the minor child(ren) and should be incorporated as the Final Parenting Plan into this Decree.

3. Choose One:

☐ The Child Support Order attached hereto as Exhibit "B" is a valid order for the child support of the minor child(ren) of the parties.

or

☐ The ☐ Mother ☐ Father is entitled to \$_____ per month per child as child support to be paid according to the provisions of the final Child Support Order, as stated below.

4. Choose One:

☐ The Medical Support Order attached hereto as Exhibit "C" is a valid order for the medical support of the minor child(ren) of the parties.

5. Other Provisions:

FROM the above Findings of Fact and Conclusions of Law, the Court orders the following:

DECREE
ESTABLISHING PERMANENT PARENTING PLAN

1. Parenting Plan.

a. The ☐ Co-Petitioners' Proposed Joint Parenting Plan

is adopted by this Court as the Final Parenting Plan and made an integral part of this Decree. The parties are hereby ordered to perform the provisions of the Final Parenting Plan.

or

b. The Court has issued a Permanent Parenting Plan and it is made an integral part of this Decree. The parties are hereby ordered to perform the provisions of the Permanent Parenting Plan -- See Attachment "A."

2. Child Support Order.

☐ The Court acknowledges that a valid Child Support has already been established by the Montana Child Support Enforcement Division or another appropriate administrative agency or court. A copy of this Order is attached hereto.

or

☐ The Court adopts the attached Child Support Order for the support of the minor child(ren) of the parties -- See Attachment "B."

3. Medical Support Order.

[] A Medical Support Order has been established by the Montana Child Support Enforcement Division or another appropriate administrative agency or court. A copy of the Order is attached hereto as Exhibit ____.

or

[] Medical support is needed to cover the medical and dental expenses of the minor child(ren) of the parties. The Court adopts the attached Medical Support Order -- See Attachment "C."

DATED this ____ day of _____, 20____.

DISTRICT COURT JUDGE

ATTACHMENT “B”

CHILD SUPPORT ORDER

- a. The ☐ Mother ☐ Father shall pay \$_____ per month per child.
This amount ☐ was ☐ was not determined in accordance with the Montana Child Support Guidelines. If so, attach worksheet.

- b. The first payment is due the _____ day of _____, 20____, with subsequent payments to be made on the _____ day of each month thereafter.

Payments should continue until such time as each child reaches the age of 18 years and has completed high school, or attained the age of 19 years, or is emancipated by court order, whichever shall first occur.

- c. Payments should be made to (Choose One):

☐ The Mother

☐ The Father

☐ Ravalli County Clerk of Court, 205 Bedford, Hamilton, MT 59840.

☐ The Child Support Enforcement Division.

The parties ☐ request ☐ do not request income withholding.

WARNING: If a parent is delinquent in payments, that parent's income may be subject to income withholding procedures under MCA Title 40, Chapter 5, without need for any further action by the Court. Support is delinquent when it is 8 days overdue.

- d. Whenever the case is receiving services under Title IV-D of the Social Security Act (Govt. financial assistance), support payments must be paid through the Department of Public Health and Human Services Child Support Enforcement Division as provided in M.C.A. § 40-5-909.
- e. This order is subject to review and modification by the Department of Public Health and Human Services upon the request of the Department or a party under M.C.A. §§ 40-5-271 through 40-5-273, when the Department is providing services for enforcement under Title IV-D of the Social Security Act (Govt. financial assistance).

- f. The obligations to provide financial child support, provide medical care for a child, and provide or comply with parenting arrangements shall be independent of each other, and the failure or inability to provide one or more shall not reduce any other obligation.
- g. Each party should promptly inform the Court of any changes in the following information:
 - (i) Name, social security number, mailing address, residential address, telephone number, and driver's license number; and
 - (ii) Names, addresses, and telephone numbers of current employers.

WARNING: In any subsequent child support enforcement action, on sufficient showing of diligent efforts to locate the party, due process requirements for notice and service may be met by delivering written notice by regular mail to the last address of the party or the party's employer reported to the Court.

ATTACHMENT “C”

MEDICAL SUPPORT

1. Existing Coverage

- ☐ The child(ren) are presently covered under the following insurance plan:

Carrier Name: _____

Policy No.: _____

The ☐ Mother ☐ Father shall continue to provide medical coverage through the plan as long as it is available at a reasonable cost, and as long as no other plan or individual insurance is available that will better serve the interests of the parties.

- ☐ The child(ren) are recipient(s) of medical assistance under Title XIX of the federal Social Security Act (Medicaid).

- ☐ The child(ren) are not covered under an existing insurance plan.

2. Contingency Medical Support

If the minor child(ren) are either (i) covered by Medicaid, (ii) are not covered under an existing insurance plan, or (iii) if the existing coverage becomes no longer available, the following provisions shall apply:

- a. The Mother shall provide medical coverage through individual insurance or a health benefit plan for the child(ren), as long as it is available at reasonable cost, and as long as no other plan or individual insurance is available that will better serve the interests of the parties.
- b. The Father shall provide medical coverage through individual insurance or a health benefit plan for the child(ren), as long as it is available at reasonable cost, and as long as no other plan or individual insurance is available that will better serve the interests of the parties.

- c. If health benefit plans are available to both parties at a combined cost that is reasonable or cost-beneficial and with benefits that are complementary or compatible as primary and secondary coverage, both parties shall provide coverage for the child(ren).
- d. Coverage is presumed to be available at reasonable cost if the cost of premiums does not exceed 25 percent of the obligated party's total child support obligation when calculated under the child support guidelines without credit for the medical support obligation.
- e. If circumstances change and a party believes that corresponding changes in cost are not reasonable or cost-beneficial, the party may move to petition any appropriate tribunal for relief.

3. Duties of the Parties

- a. The Mother shall be responsible for ____% and the Father shall be responsible for ____% of all medical expenses of the minor child(ren), including the costs of the premium for coverage, all co-payments and deductibles required for coverage, and any uncovered medical expenses.
- b. Each party shall promptly execute and deliver to the insurance provider all forms necessary to ensure the child(ren)'s continuous participation in insurance coverage. Each party shall timely submit claims for processing, verification, and payment. Each party shall provide the other party with identification cards or other methods for access to coverage.
- c. If a party receives a reimbursement but did not pay the underlying bill, that party shall promptly pay over the proceeds to the proper party.
- d. If the party responsible for providing medical insurance coverage for the child(ren) allows such coverage to lapse without securing a comparable replacement, that party shall be liable for all the child(ren)'s medical expenses and shall indemnify the other party, the Department of Public Health and Human Services, or any third-party custodian for the cost of obtaining medical coverage and medical expenses.

- e. Any liability for unpaid medical costs and expenses may be entered as a judgment for unpaid support against the obligated party. A party may apply to the Court for expedited enforcement procedures.
- f. If an obligated party fails to pay a required premium, the other parent, the Department of Public Health and Human Services, or the custodian may advance the cost of premiums and keep benefits continually in force for the child. The advance should be entered as a judgment for unpaid child support in favor of the advancing party and against the obligated parent.
- g. The obligation to provide medical coverage for the child(ren) ceases only when the child support obligation ceases.
- h. The costs of providing individual insurance or a health benefit plan may not be used as a direct offset to the child support obligation. However, as provided by the child support guidelines, the costs may be considered in making or modifying a child support order.
- i. Each party shall promptly inform the Court of any changes in the following information:
 - (i) If the child(ren) are covered by a health or medical insurance plan, the name of the plan, the policy identification number, and the name(s) of the person(s) covered;
 - (ii) If the child(ren) are not covered by a health or medical insurance plan, whether health insurance coverage for the child(ren) is available through the party's employer or other group, and if so, whether the employer or other group pays any portion of the coverage premium.
- j. A civil penalty not to exceed \$25 per day may be imposed for an intentional violation of this medical support order or the provisions of M.C.A Title 40, Chapter 5, Part 8 or the regulations promulgated under that Part.

WARNING: The obligations to provide medical care, provide financial child support, and provide or comply with visitation and custody arrangements are independent of each other, and the failure or inability to provide one or more does not reduce any other obligation.

3. **Other Provisions:** _____

